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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Information presented by the Canadian Human Rights Commission*.

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Canadian Human Rights Commission,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

[English only]

Submission by the Canadian Human Rights Commission

The human rights implications of over-incarceration and overcrowding

The Canadian Human Rights Commission would like to thank the High Commissioner for his report on the human rights implications of over-incarceration and overcrowding in Canadian prisons.

In Canada, the number of offenders with mental health issues has increased significantly in recent years. In fact, mental health issues are two to three times more prevalent in Canadian prisons than in the general population.

Canadian prisons are now housing one of the largest psychiatric populations in the country, causing significant challenges.

It is vital that appropriate mental health services be available to respect the rights of this vulnerable population. However, this is often not the case, and offenders' mental health conditions may deteriorate as a result.

This issue has far-reaching human rights implications in the correctional setting. Offenders with mental disabilities are inappropriately identified as having "behavioural problems," leading to a higher security classification than necessary. Too often, inmates resort to self-harm.

The Commission is particularly concerned about the use of solitary confinement – or administrative segregation, as it is known in Canada – to manage offenders with mental disabilities. Prolonged segregation has been shown to have harmful and permanent effects on inmates, particularly those with mental health disabilities.

The Commission calls on Canada to increase the capacity and effectiveness of mental health treatment for offenders. The Commission further proposes that Canada limit the use of solitary confinement to manage inmates with mental disabilities, and to abolish the practice entirely for inmates with serious or acute mental illness.